



Comptroller General  
of the United States

Washington, D.C. 20548

## Decision

**Matter of:** Terry A. Gordon - Claim for Reimbursement of Additional Travel Costs

**File:** B-256956

**Date:** October 27, 1994

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### DIGEST

A member ordered to make a permanent change of station with temporary duty and consecutive overseas tour leave en route chose to travel by a circuitous route and purchase his own airline tickets. While military transportation was not available for the first leg of the travel, it was available for the other segments. Under 1 Joint Federal Travel Regulations paragraph U5116, reimbursement at the lowest commercial rate was proper for the first leg of the travel. For subsequent segments the proper amount for reimbursement was the amount it would have cost the government or a monetary allowance based on mileage.

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### DECISION

This is in response to an appeal of a Claims Group settlement which denied the claim of Army Colonel Terry A. Gordon for reimbursement of additional travel expenses incident to his permanent change of station (PCS) in February 1989 from Riyadh, Saudi Arabia, to Neu Ulm, Germany. We affirm the Claims Group's denial.

Colonel Gordon received PCS orders in January 1989 transferring him from Saudi Arabia to Germany with temporary duty (TDY) en route at Fort Lee, Virginia. He was also authorized consecutive overseas tour (COT) leave in Opelousas, Louisiana. The normal direct route cited in Colonel Gordon's orders was Riyadh to New York to Louisiana to Fort Lee to Germany. He was authorized travel at government expense for that route. A limit to the cost to the government for that route was erroneously calculated by the transportation office at \$3,034, which represented commercial fares at the "low y" rate for the entire route. Colonel Gordon received approval for a circuitous route of Riyadh to Germany to Fort Lee to Kansas City to New Orleans to Germany. A stop in Singapore was later added, although the route used to calculate the cost limit to the government remained the same.

As required by his orders, Colonel Gordon visited his transportation office to coordinate his travel arrangements and received a travel advance, but for personal reasons he

procured airline tickets for himself for his entire trip. When Colonel Gordon had completed his travel and arrived in Germany, finance officers recalculated the cost limit to the government using the lowest commercial fare for the first leg of the direct route, from Saudi Arabia to New York, and using rates that the government would have paid or a monetary allowance based on mileage for the rest of the direct route, for a total of \$1,796.40 plus other expenses. He was also paid per diem when appropriate. The record indicates that no military transportation was available for the first leg of the direct route.

Colonel Gordon argues that he should be reimbursed for commercial fares for the entire direct route. He contends that he should not have been expected to visit a travel military office after he began his travel and that in order to reach his TDY assignment on time he needed to make confirmed reservations for the entire trip at the beginning. He also questions the calculations made with regard to his COT leave.

Members' travel between permanent duty stations is governed by chapter 5 of Volume 1 of the Joint Federal Travel Regulations (JFTR). Under 1 JFTR U5116E, when a member performs circuitous travel, he is entitled to reimbursement for transoceanic travel in an amount not to exceed the cost the government would have incurred for his transportation on the direct route between his duty stations. Under paragraph U5116D, for transoceanic travel a member who is authorized (rather than required) to use government transportation and who travels at personal expense is entitled to reimbursement not to exceed the amount the government would have been required to pay for his transportation.

Federal funds may be expended only in accordance with applicable law and regulation. See Lieutenant Colonel James Z. Metalios, USA (Retired), B-192949, June 6, 1979. The JFTR set out the maximum rates at which a member may be reimbursed when he purchases plane tickets for himself. It is clearly the intent of the JFTR that the government not reimburse the member for more than the government would have spent to provide transportation directly or procure tickets for him. When a member chooses to make travel arrangements for himself, he assumes the risk that reimbursement for his airfare will be less than the full amount he spends. See B-192949, supra.

Because no military transportation was available between Saudi Arabia and New York, Colonel Gordon was properly reimbursed for travel between those locations at the least expensive commercial fare available. He was reimbursed for the other portions of the direct route including his COT travel based on rates the government would have paid or by a monetary allowance based on mileage. The choices he made for his own convenience do not affect the liability of the government to reimburse him.

Accordingly, Colonel Gordon's claim is denied.

/s/ Seymour Efros  
for Robert P. Murphy  
Acting General Counsel